

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46147 of 2023

Applicant :- Sikandar @ Satyendra Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Mishra, Nagendra Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.130 of 2023 at Police Station-Nandganj, District-Ghazipur under Sections 376, 313 IPC. The applicant is in jail since 15.08.2023.

The bail application of the applicant was rejected by the learned trial court on 19.09.2023.

The following arguments made by Shri Ashok Kumar Mishra, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The victim and the applicant were intimate. They had consensual relations.
2. The F.I.R. is the result of the relationship between the applicant and victim going awry.
3. The applicant never gave a plighted word to marry the victim.

4. The criminal proceedings are being leveraged to force the applicant to marry her.
5. The applicant never forced the victim to abort the unborn child.
6. Medical evidence to corroborate commission of rape by the applicant with the victim has not been produced by the prosecution.
7. The applicant does not have any criminal history apart from this case.
8. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Sikandar @ Satyendra Kumar be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 1.11.2023

Ashish Tripathi